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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,209	06/20/2003	Dhananjay V. Keskar	042390.P16126	9022
59796 7590 01/19/2011 INTEL CORPORATION c/o CPA Global P.O. BOX 52050 MINNEAPOLIS, MN 55402				
EXAMINER SMITH, CREIGHTON H				
ART UNIT 2614		PAPER NUMBER		
NOTIFICATION DATE 01/19/2011		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

heather.ladamson@intel.com

Office Action Summary

Application No.

10/600,209

Applicant(s)

KESKAR ET AL.

Examiner

CREIGHTON SMITH

Art Unit

2614

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-7,9,10,12-14 and 16-23 is/are pending in the application.
- 4a) Of the above claim(s) 3,8,11,15 and 24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-7, 9-10, 12-14, 16-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

The final Office action dated 08 JUL '10 is withdrawn due to examiner's incorrect application of the Bork et al reference regarding Bork's teaching of user-specific location information.

Prosecution is re-opened.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4-7, 9-10, 12-14, 16-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bork et al, U.S. Pat. #6,954,657 in view of O'Neill et al, U.S. Pat. App. Pub. #2004/0224693

Bork et al wireless communication device has an intelligent alerting system, col.3, lines 34-36. The wireless device has an alerting system that is determined from the operating environment. The terminal's CPU will adjust the audio, visual, and tactile alerting signals based on a user's "physical context information," col. 2, lines 4-6 & 57-65, where Bork et al disclose that the wireless device samples the noise levels surrounding the terminal and other inputs such as light, temperature, and motion sensing and the date. Bork et al sampling of the light, temperature, noise, and motion reads on applicant's physical context information in P.0010, lines 6-9.

Bork et al also disclose that the user's location information is input into the wireless in order to devise an optimum alert sequence where they state that one of the inputs can be a local network ID, col. 2, lines 58 & 61; col. 6, line 61; col. 7, line 55; col. 10,

lines 4 & 5. In col. 8, lines 30-40, Bork et al disclose that the ***position*** of the wireless device can be determined by a GPS receiver located within the wireless device 200, or alternatively the position of the wireless handset could be determined through a control channel. In lines 36 et seq. of col. 8, Bork et al disclose that in addition to using the position data, processor 218 may use the cellular network identification to determine the optimum alert sequence. Both of Bork et al position data (using GPS) and cellular network identification reads upon applicant's "user-specific location information."

Bork et al fail to disclose applicant's "schedule information" which is one of the inputs going into their alerting system. However, O'Neill et al do disclose in P.0076 a Personal Information Manager that keeps a calendar for the customer notifying him/her of appointments, meetings, deadlines, etc. To have incorporated O'Neill et al teaching of using a calendar/scheduling information as part of the alerting/notifying means in Bork et al wireless device would have been obvious to a person having ordinary skill in the art because both Bork and O'Neill et al are disclosing different input means that are used to generate alerts in mobile devices, and the skilled artisan in the wireless arts, with these 2 references in front of her, would have found them readily combinable because of the fact that different inputs are being used to generate the alerts in Bork than in O'Neill, but common sense would show that the alerts of either reference could easily be used in the other reference.

For claim 2, Bork et al disclose in col. 2, line 7, that the mobile device will modify its behavior modification by generating either a tactile or visual sign. This meets applicant's limitation in claim 2 of a flashing display screen and a blinking LED. For

claim 4, Bork et al disclose in col. 2, lines 35 et seq. that one of the physical pieces of information is "passive audible sensing" which meets applicant's limitation of "ambient noise information." In lines 56 et seq. of col. 2, Bork et al disclose some other physical pieces of information that affect the alerting signal in the wireless device are : light, temperature, and motion sensing.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. EPO reference #1,217,792 to Parupudi et al teach context-aware and location-aware cellular phones.

Any inquiry concerning this communication should be directed to CREIGHTON SMITH at telephone number (571)272-7546.

/CREIGHTON SMITH/
Primary Examiner, Art Unit 2614

07 JAN '11